

# EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

TWYLA SANDOLPH,  
Plaintiff

v.

MARTIN MARIETTA MATERIALS,  
INC.,  
Defendant

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CA-6:19-cv-00516-ADA-JCM (Jury)

DECLARATION OF PETER COSTEA

"My name is Peter Costea. I am over twenty-one (21) years of age. I have never been convicted of any crimes and I am otherwise competent to make this affidavit. I have personal knowledge of all facts stated herein and they are all true and correct."

"I am Twyla Sandolph's attorney in this case. I have been licensed to practice law in the State of Texas on November 1, 1990. I have continuously practiced law in and around Harris County and in the State of Texas since January 2, 1991. I have continuously and exclusively litigated Twyla Sandolph's claims since she became my client in 2019."

"I have litigated over a thousand lawsuits and arbitrations in my career, the majority of which have consisted of employment discrimination and employment related lawsuits. I have tried to the jury, to the bench, and arbitrated a hundred and eleven (111) lawsuits between June 1993 when I tried my first lawsuit, and July 2023 when I tried my last lawsuit."

"I have tried my lawsuits in federal and Texas state courts, from Lubbock, Texas to McAllen, Texas, and from East Texas to South Texas. In 1994 I have been admitted to practice before the United States Supreme Court where I petitioned review for two (2) of my cases, including a sexual harassment case. I have litigated a multitude of sexual harassment cases as well. I have appealed some of them."

"This experience has made me familiar with the type, reasonableness, and necessity of services attorneys in Texas render to their clients in employment litigation cases. As a result of the same experience, I am also familiar with the reasonableness and necessity of the attorney's fees attorneys charge their clients in employment cases in McClennan County, Central Texas, South Texas, and West Texas generally."

"My opinion is that \$450 / hour is a reasonable and necessary fee for an attorney of my experience and knowledge practicing law in various counties around Texas."

"During my representation of the Plaintiff I have kept a systematic record of the time I spent on the case and the work done. For my work on Defendant's 12(b)(6) Motion to Dismiss I

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have recorded the following time."

9/25/2019

Review defendant's motion to dismiss; start drafting response 2.50 hours

9/28/2019

Continue to draft response to motion to dismiss (12(b)(6)); research law; review client's records; tc with client regarding motion; draft and email to client declaration for review 9.25 hours

9/30/2019

Continue to work on response to motion to dismiss; prepare exhibits; finalize response; file response 3.25 hours

"The total number of hours I have spent opposing Defendant's 12(b)(6) Motion to Dismiss stands at 15 hours. I aver, based on my experience that, consequently, \$6,750.00 represents a reasonable and necessary fee for the reasonable and necessary work I have done to opposed Defendant's 12(b)(6) Motion to Dismiss."

"My work in connection with Plaintiff's Motion for Rule 11 Sanctions has consisted of similar work, writing, editing, revising, research of the Rules, case law, pleadings, documents, depositions testimony."

"I have recorded the following specific work.

8/1/2023

Start research law and rules for motion for sanctions; re-read defense 12b6 motion; start reviewing relevant records 3.50 hours

8/2/2023

Review deposition transcripts (Feola and Alaniz) 3.75 hours

8/3/2024

Draft motion for sanctions (under Rule 11) 6.75 hours

8/4/2023

Continue to draft motion for sanctions; finalize draft; edit; work on declaration in support of fees 3.25 hours

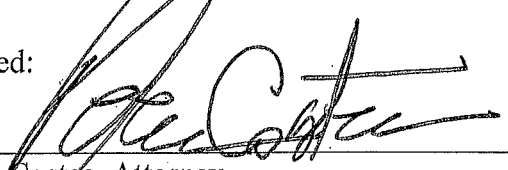
"The total number of hours I have spent through August 4, 2023 preparing and submitting to Defendant Plaintiff's Motion for Rule 11 Sanctions stands at 17.25 hours. I aver, based on my experience that, consequently, \$7,762.50 represents a reasonable and necessary fee for the reasonable and necessary work I have done preparing and submitting to defense counsel, at least twenty-one (21) days prior to the actual filing of Plaintiff's Motion for Rule 11 Sanctions."

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"Thus, the total amount of fees in sanctions Plaintiff seeks is \$14,512.50."

Pursuant to 28 USC Section 1746, I declare under penalty of perjury that the foregoing averments are true and correct.

Signed:

  
Peter Costea, Attorney